

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

INNER-TITE CORP.,

Plaintiff

v.

DEWALCH TECHNOLOGIES, INC.,

Defendant

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Civil Action No.
04-40219-FDS

**[PROPOSED] ORDER GRANTING DEFENDANT’S MOTION TO
RECONSIDER THE COURT’S MEMORANDUM AND ORDER ON CROSS-
MOTIONS FOR SUMMARY JUDGMENT AND TO STRIKE AFFIDAVITS**

Having considered Defendant DeWalch Technologies, Inc.’s Motion to Reconsider the Court’s Memorandum and Order on Cross-Motions for Summary Judgment and to Strike Affidavits, this Court orders as follows:

- (1) Defendant’s Motion for Summary Judgment of Non-Infringement filed on May 19, 2006, Dkt. No. 38, is hereby granted; and
- (2) Defendant’s Motion to Strike filed on June 16, 2006, Dkt. No. 44, is hereby granted.

SO ORDERED

DATED: _____

District Judge F. Dennis Saylor